THE HONOURABLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No :7141 of 2007

DATED:09-04-2007

BETWEEN:

Poddatur Toddy Tappers Co-operativde Society Limited
(Regd.No.2), rep., by its Director,
R.Gopal Goud,
Proddatur,
Kadapa.

..... PETITIONER

AND

The Commissioner of Prohibition & Excise,
Nampally,
Hyderabad & another.

.....RESPONDENTS

ORDER:

Heard the learned counsel for the petitioner as well as the learned Government Pleader for Prohibition & Excise appearing for the respondents.

2. Petitioner seeks a writ of mandamus declaring the action of the respondents in not considering the representation submitted by the petitioner-Society on
26-03-2007 seeking to restore its licence *in spite* of the acquittal from the criminal case in C.C.No.71 of 2006 on the file of the I Additional Judicial First Class Magistrate, Proddutur, dated 21-03-2007, as illegal and arbitrary.

3. It is stated that the toddy shop licence of the petitioner-Society was cancelled by order, dated 15-06-2005, in Rc.No.B1/769/2005, by the Superintendent, Prohibition & Excise, Kadapa on the ground of the alleged adulteration of toddy with Chloral Hydrate. It is further stated that the case registered against the petitioner on the alleged adulteration of toddy in Cr.No.98/2004-05, dated 19-03-2005, for the offence punishable under Section 37(a) of the A.P.Excise Act (for brevity, 'the Act') has been enquired into and after filing the charge sheet the case has been ended in acquittal by the
1st Additional Judicial First Class Magistrate, Proddatur, vide

judgment, dated 21-03-2007, in C.C.No.71 of 2006.

4. In view of the acquittal of the above criminal case the petitioner made a representation, dated 26-03-2007, before the 1st respondent. As the said representation is pending before the 1st respondent, without expressing any opinion on the merits of the case, I am of the of the opinion that it is just and proper to direct the respondents to consider and dispose of the said representation in accordance with law.

5. Accordingly, the Writ Petition is disposed of directing the respondents to consider and dispose of the representation of the petitioner, dated 26-03-2007, in accordance with law within four weeks from the date of receipt of a copy of this order. No order as to costs.

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V.ESWARAIAH, J

09th April, 2007

Note:

Furnish C.C. of the order
within three days.

B/o
Tsy